

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **April 9, 2002**

AGENDA ITEM NO.: 19

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP) Request, Watts Petroleum Corporation, 2209 Wards Road**

RECOMMENDATION: Approval of the requested CUP.

SUMMARY: Watts Petroleum has petitioned for a CUP at 2209 Wards Road to allow the construction and operation of a car wash adjacent to a commercial structure in a B-3, Community Business District. The Planning Division recommended approval of the petition because:

- Petition is in compliance with B-3, Community Business Zoning upon approval of CUP by the City Council.
- Petition is considered to be compatible with the surrounding area and the existing zoning.

The Planning Division's recommendation for approval included specific conditions. Without all recommended conditions, the Planning Division's recommendation would have been denial. The Planning Division recommended conditions that would allow development of the subject property, while providing traffic safety and meeting Zoning Ordinance setback requirements.

Section 35.1-15(f) of the Zoning Ordinance states: "In approving a conditional use permit City Council may impose any conditions which it deems necessary or appropriate."

PRIOR ACTION(S):

March 20, 2002: Planning Division recommended approval of the CUP petition based upon the following conditions:

1. The proposed canopy will be located on the south side of the existing building to improve traffic patterns on the subject property.
2. Building materials for the car wash will match those used for the proposed convenience store. No unadorned cinderblock or sheet metal will be used.
3. A landscaped area will be created along the property lines fronting Wards Road and Sheffield Drive. This landscape area will contain street trees and shrubs. The landscape area will extend from the intersection of Wards Road and Sheffield Drive to the points of ingress and egress on each respective street.
4. Landscaping in the form of evergreen material will be provided on the south side of the proposed car wash.

Planning Commission recommended (5-2) approval of the CUP petition without condition number one (1).

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/847-1508, ext. 253

Tom Martin/847-1508, ext. 226

ATTACHMENT(S):

- Resolution
- PC Report
- PC Minutes
- Map Showing Additions to Wards Road Chevron

REVIEWED BY:

## RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO WATTS PETROLEUM CORPORATION FOR USE OF THE PROPERTY AT 2209 WARDS ROAD FOR A CAR WASH, SUBJECT TO CERTAIN CONDITIONS.

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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG That the petition of Watts Petroleum Corporation for a Conditional Use Permit for use of the property at 2209 Wards Road for the construction and operation of a car wash, be, and the same is hereby, approved, subject to the following conditions:

1. Building materials for the car wash will match those used for the proposed convenience store. No unadorned cinderblock or sheet metal will be used.
2. A landscaped area will be created along the property lines fronting Wards Road and Sheffield Drive. This landscape area will contain street trees and shrubs. The landscaped area will extend from the intersection of Wards Road and Sheffield Drive to the points of ingress and egress on each respective street.
3. Landscaping in the form of evergreen material will be provided on the south side of the proposed car wash.

Adopted:

Certified:

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Clerk of Council

074L

The Department of Community Planning & Development  
City Hall, Lynchburg, VA 24504 434-847-1508

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**To:** Planning Commission  
**From:** Planning Division  
**Date:** March 20, 2002  
**Re:** **CONDITIONAL USE PERMIT : CAR WASH AT 2209 WARDS ROAD**

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**I. PETITIONER**

John Watts, Watts Petroleum Corporation, 1505 Rutherford Street, Lynchburg, VA 24501.  
**Representative:** Petitioner

**II. LOCATION**

The subject property is a tract of about 0.7 acres located at 2209 Wards Road.  
**Property Owner:** Watts Petroleum Corporation, 1505 Rutherford Street, Lynchburg, VA 24501.

**III. PURPOSE**

The purpose of this petition is for a conditional use permit to allow the construction and operation of a car wash adjacent to a commercial structure in a B-3, Community Business District.

**IV. SUMMARY**

- Petition does not agree with the *General Plan*, which recommends a Business Commercial use.
- Petition is in compliance with B-3, Community Business Zoning upon approval of CUP by the City Council.
- Petition is considered to be compatible with the surrounding area and the existing zoning.
- **The Planning Division recommends approval of the CUP petition.**

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**V. FINDINGS OF FACT**

2. **General Plan.** The Lynchburg General Plan recommends a Business Commercial use for the subject property. The General Plan discourages scattering commercial activities throughout the City. Scattering often results in increased inconvenience for customers and increases the dangers of blighting effects on residential areas. Objective 4 recommends “[a] pattern of commercial uses and design of commercial areas which cause a minimum of nuisance to living areas and of interference with traffic on major thoroughfares.” The subject petition proposes a conditional use permit for the subject property to further develop commercial zoned land. The layout of the site plan as proposed will create an interference with traffic on a major thoroughfare (Wards Road).

**Zoning.** The site proposed for car wash is presently zoned B-3, Community Business District. The petitioner is requesting approval of a CUP to allow a more intensive land use than the existing B-3 district allows by right. Section 35.1-11.2h(5), Automobile Service Stations lists washing and polishing as an associated use. An Automobile service station is an acceptable use in a B-3, Community Business District upon approval of a CUP by the City Council.

3. **Board of Zoning Appeals (BZA).** No action by the BZA is necessary for the proposed car wash.

On a separate matter, but located on the same site as the car wash, the BZA granted a variance on February 26, for a 38'x52' canopy over newly proposed gasoline pumps. The proposed canopy would have a setback of seven (7) feet from the property line adjacent to Wards Road and a setback of twenty-eight (28) feet from the property line adjacent to Sheffield Drive instead of the required forty (40) feet on each street.

The City is appealing the Board of Zoning Appeals decision to grant the variances because there was no hardship was demonstrated for the subject property in relation to the granted variances. An adequate sized canopy could be placed on another portion of the subject property that would meet the setback requirements of the Zoning Ordinance or require minimal variances.

4. **Surrounding Area.** There have been no recent conditional use permit or rezoning petitions in the immediate area of the subject property. However, on December 12, 2001 the City Council approved the rezoning petition of Laird Development, LLC to allow the construction of a Walgreens Pharmacy, at 2004 Wards Road.
5. **Site Description.** The site is approximately 0.7 acres on which a commercial structure (formerly Wards Road Chevron) is located. The existing building was constructed in 1957 as an automobile service station. The service station (which recently closed) was allowed to remain as a "nonconforming use". The existing service station was considered to be nonconforming, because "Automobile Service Stations" require a conditional use permit from the City Council in a B-3, Community Business District. Automobile Service Stations and their associated uses are considered to be a B-5, General Business District Intensity.

The subject property is bordered to the north by railroad right of way, and to the east, south, and west by commercial uses.

6. **Proposed Use of Property.** The purpose of the conditional use permit petition is to allow the construction and operation of a car wash facility as an accessory use to a proposed convenience store in a B-3, Community Business District.

**Traffic & Parking.** The proposed car wash when combined with the location of the proposed canopy will create negative traffic patterns on the subject property and may create further congestion on Wards Road.

The City's Traffic Engineer has stated "In reference to the Chevron on Wards Road, the current proposed layout of the site causes vehicles to perform U-turns within the site in front of the driveway entrance on Wards Road. This occurs when patrons enter from Sheffield Drive and desire to go to the pumps and back out Sheffield or through the car wash. This creates the potential for other vehicles entering the site from Wards Road to be blocked. My concern is that a back up may occur onto Wards Road adding to the congestion and increasing the propensity for rear-end accidents. This will be exacerbated due to the addition of the convenience store. Due to the above concerns, I would like to see an alternative, if possible, to the current site plan that does not create the potential for vehicles to block the Wards Road driveway and make the site less circuitous"

The Planning Division concurs with the City's Traffic Engineer particularly given the high traffic volume on that section of Wards Road (17,000 cars per day). We can only support the CUP petition for the car wash if the canopy is relocated elsewhere on the subject property. It is our recommendation that the site plan be revised so that all of the proposed uses can coexist on the subject property while maintaining safe traffic flow on the property and Wards Road. An alternative location was shown to Mr. Watts Engineer, Caroline Heppner, on January 8, 2002.

7. **Storm Water Management.** The Environmental Specialist of the Robert E. Lee Soil & Water Conservation District notes that a storm water management plan will be required if the disturbed area exceeds 1,000 square feet, and can most likely be handled by underground detention or more desirably Best Management Practices (BMP's).
  8. **Visual Impact.** The current submittal proposes the construction of a freestanding car wash to the north side of an existing building. The car wash will essentially be hidden from view from vehicles traveling south on Wards Road. The use of appropriate landscaping and building materials will limit any adverse visual impact from other vantage points.
  9. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on January 8 and noted the need for a few revisions. The most significant comment was made by the Planning Division concerning the location of the proposed canopy.
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## V. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Division recommends to the City Council approval of the petition of Watts Petroleum Corporation for a conditional use permit to construct and operate a car wash at 2209 Wards Road, subject to the following conditions:

1. The proposed canopy will be located on the south side of the existing building, to improve traffic patterns on the subject property.
2. Building materials for the car wash will match those used for the proposed convenience store. No unadorned cinderblock or sheet metal will be used.
3. A landscaped area will be created along the property lines fronting Wards Road and Sheffield Drive. This landscape area will contain street trees and shrubs. The landscaped area will extend from the intersection of Wards Road and Sheffield Drive to the points of ingress and egress on each respective street.
4. Landscaping in the form of evergreen material will be provided on the south side of the proposed car wash.

This matter is respectfully offered for your consideration.

William K. McDonald, AICP  
Acting City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. Bruce A. McNabb, Director of Public Works  
Mr. John W. Jennings, Fire Marshal  
Ms. Judith C. Wiegand, Strategic Planner  
Mr. J. Lee Newland, Director of Engineering  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Karl Cooler, Building Official  
Mr. Arthur L. Tolley, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Mr. John Watts, Petitioner/Representative

## VI. ATTACHMENTS

1. **Vicinity Zoning Pattern**  
(see attached map)
2. **Vicinity Proposed Land Use**  
(see attached map)
3. **Site Plan**  
(see attached site plan)

## MINUTES FROM THE MARCH 20, 2002 PLANNING COMMISSION MEETING

Petition of Watts Petroleum Corporation for a Conditional Use Permit to allow the construction and operation of a car wash at 2209 Wards Road adjacent to a commercial structure in a B-3, Community Business District.

Mr. McDonald explained that this request was for a car wash in a B-3 zoned area, which was not a by-right use in that area and required a Conditional Use Permit. He said there was a separate matter involving this property going on currently, which was a request for a variance on the canopy setback. He said the variance request had already been approved by the Board of Zoning Appeals.

Mr. Kevin Cash, attorney with Edmunds and Williams, Lynchburg, represented the petitioner in this request. Mr. Cash said he wanted to focus on Condition 1 in the recommended motion to the Planning Commission, which was to relocate the proposed canopy in the front of the property. He added that this relocation request was based on comments from the City Traffic Engineer. He said those comments had not been included in the TRC comments nor communicated to the petitioner nor his representatives until they received copies of the Planning Division's report just a couple of days before this meeting. He explained that the issue of the canopy setback had been discussed previously, which was why the petitioner applied for, and was granted, a variance from the Board of Zoning Appeals. He stressed to the Commission that this petition was for a CUP for a car wash. Mr. Cash added that other than the condition mentioned above the petitioner had agreed to everything requested by the City. He said they were closing two entrances to the site, exceeding the landscaping requirements of the City, and aligning the car wash with Wards Road. He said the petitioner had committed to spending over \$25 thousand on upgrades to the building and site. Mr. Cash told the Commissioners that he was not sure the project would move forward if they required the canopy to be relocated, and asked them not to get bogged down on an issue that related to the Board of Zoning Appeals.

Caroline Heppner, Heppner Engineering, addressed the Commission. Ms. Heppner explained that there were currently four gas pumps with three canopies that totaled over 2,000 square feet. She further explained that one canopy had a seven foot setback from Wards Road and a twenty-five foot setback from Sheffield Drive. She said the City requested that the petitioner relocate that canopy to utilize the required forty-foot setback on Sheffield Drive, which would only leave space for one pump aisle. She explained that there would have to be at least twenty cars stacked in line to create a traffic problem on Wards Road. She added that with the proposed center drive aisle the cars utilizing the pumps closest to Wards Road would be able to exit the site if they finished pumping first. She said the petitioner did not want to lose any gas pumps, which would be the result if the canopy were relocated. Ms. Heppner said there were four entrances to the site; two from Wards Road and two from Sheffield Drive. She continued by saying that the City had asked that one entrance from each street be closed, which the petitioner agreed to do. She added that there would be right-in and right-out at the Wards Road entrance. Ms. Heppner said the car wash would be brick or painted brick with a hip roof and would be partially hidden from Wards Road with a landscaped berm. She said the entrance to the car wash would be from the rear of the building so cars would have room to stack behind the convenience store and exit on to Wards Road. She concluded by saying that the proposed pumping and canopy layout utilizes the same setbacks that exist at this time. She said the proposed configuration of the site creates a much safer, effective area.

Mr. W. Thomas Martin, GIS/ Planner Analyst for the City, spoke in response to the petitioner's comments. Mr. Martin explained to the Commissioners and petitioner and his representatives that the comments included in the Planning Division's report were a direct quote from the Traffic Engineer, Gerry Harter. He added that he did not know why Mr. Harter had not addressed those issues during the TRC process. Mr. Martin said there was a direct correlation between the canopy and the car wash, and the Planning staff had concerns with traffic safety on site because they felt that the two components did not mesh well. He added that the City felt that the site was over developed and it was evident in that they currently do not meet their required set backs. Mr. Martin said the City would like to be able to work with the petitioner and come to a compromise to develop the site to the satisfaction of both parties. He said the City had worked on a proposal that they felt would be a better design for the property and was prepared to share that plan with the petitioner and the Commissioners at this time.

Chair Dahlgren said the intent of the Planning Commission was to try to work out differences, but did not know if this was the venue for working out the details of the request.

Commissioner Worthington said his sense was that this request was for a car wash. He asked Mr. Martin if the City had difficulty with the car wash as it currently stood, and asked if the City would object to the canopy if there were not a CUP request for a car wash.

Mr. Martin confirmed that this request was for a car wash, but added that the request became more complicated when the canopy variance was included in the project as a whole. He added that the City would oppose the canopy setback even if there were no CUP request for a car wash.

Commissioner Worthington noted his disagreement with Mr. Martin's comments. He said it sounded as if the City was focusing on the canopy instead of the requested CUP.

Commissioner Moore said if there was an alternative solution to the petitioner's request it should have been presented to the petitioner before it came to the Planning Commission. He added that the date of receipt of the petitioner's site plan was January 22, and there had been ample time for the staff to try to work out the differences with the petitioner.

Commissioner Wilkins concurred with Commissioner Moore's statements.

Chair Dahlgren asked Ms. Heppner what was the relationship between the location of the canopy and the pump islands. He asked if the canopy was only seven feet in, how far in would the first pump island be.

Commissioner Flint asked for clarification of traffic flow for customers purchasing gas then getting their car washed.

Mr. Martin explained that if a car entered the site from Sheffield Drive to purchase gas then wished to wash their car, they would have to make a "U" turn in the lot, creating problems with safety.

Chair Dahlgren said the responsibility to protect the people of the community falls on the shoulders of the Planning Commission. He added that if we approve this petition and someone gets hurt at the site it would be partially the Commission's responsibility. He said the state ordinance gave the Commission the authority to postpone the petition if they wish; however, that would create an impact on the business owner. He concluded by saying that by approving this petition on what is already a messy corner would only compound the traffic congestion.

Commissioner Wilkins said she was not sure what the problem was since the canopy was so far above the ground level.

Commissioner Moore said the traffic situation should greatly improve as a result of the closing of two of the entrances.

Ms. Heppner said there was no history of accidents at the current gas station. She said the proposed new canopy would be in the exact location as the current canopy. She added that the City would not be losing anything, but would be gaining in the appearance of the new canopy and pump islands.

Chair Dahlgren said he was very concerned about the citizens of Lynchburg and did not like being a party to anything that he thinks would add to the confusion of an already messy corner.

Commissioner Flint said with the closing of the entrances near the corner of the site the traffic situation should get better. He added that the additional landscaping and the upgrades to the building would improve the area.

After further discussion, Commissioner Worthington made the following motion, which was seconded by Commissioner Moore and passed by the following vote:

That the Planning Division recommends to the City Council approval of the petition of Watts Petroleum Corporation for a Conditional Use Permit to construct and operate a car wash at 2209 Wards Road, subject to the following conditions:

1. Building materials for the car wash will match those used for the proposed convenience store. No unadorned cinderblock or sheet metal will be used.
2. A landscaped area will be created along the property lines fronting Wards Road and Sheffield Drive. This landscape area will contain street trees and shrubs. The landscaped area will extend from the intersection of Wards Road and Sheffield Drive to the points of ingress and egress on each respective street.
3. Landscaping in the form of evergreen material will be provided on the south side of the proposed car wash.

AYES: Echols, Flint, Moore, Wilkins, Worthington	5
NOES: Dahlgren, Pulliam	2
ABSTENTIONS:	0